

**AGENDA FOR THE  
REGULAR COUNCIL MEETING OF  
TUESDAY, SEPTEMBER 12, 2006 AT 10:00 A.M.  
CITY ADMINISTRATION BUILDING  
COUNCIL CHAMBERS – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**  
-----

**NOTE:** The public portion of the meeting will begin at 10:00 a.m. The City Council will meet in Closed Session this morning from 9:00 a.m. – 10:00 a.m. Copies of the Closed Session agenda are available in the Office of the City Clerk.

**OTHER LEGISLATIVE MEETINGS**

The **SAN DIEGO REDEVELOPMENT AGENCY** is scheduled to meet today in the Council Chambers. A separate agenda is published for it, and is available in the Office of the City Clerk. For more information, please contact the Redevelopment Agency Secretary at (619) 533-5432. Internet access to the agenda is available at:

<http://www.sandiego.gov/redevelopment-agency/index.shtml>

ITEM-300:                      ROLL CALL.

**=== LEGISLATIVE SCHEDULE ===**

Special Orders of Business

ITEM-30:                      Approval of Council Minutes.

ITEM-31:                      Pam Hamilton Day.  
COUNCIL PRESIDENT PETERS’ AND  
COUNCILMEMBER FAULCONER’S’S RECOMMENDATION: Adopt  
the resolution.

**=== LEGISLATIVE SCHEDULE (Continued) ===**

Special Orders of Business (Continued)

- ITEM-32: North Park Lions Club Day.  
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-33: Teen Court Day.  
COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION: Adopt the resolution.
- ITEM-34: Ovarian Cancer Awareness Month.  
COUNCILMEMBER ATKINS' AND COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.

**NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

**MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT**

**UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)**

**REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

**=== LEGISLATIVE SCHEDULE (Continued) ===**

Adoption Agenda, Consent Items

- ITEM-50: Amending Various Joint Use Agreements with San Diego Unified School District. (Citywide.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 8/1/2006, Item 55.
- ITEM-51: City of San Diego Lobbying Contracts for Sacramento, CA and Washington, D.C. (Citywide.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 8/7/2006, Item S400.
- ITEM-52: Carson Elementary Joint Use Improvements. (Linda Vista Community Area. District 6.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 8/8/2006, Item 60, Subitem A.
- ITEM-53: Glass Bottle Ordinance for the Qualcomm Stadium Parking Lot. (District 6.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 8/8/2006, Item 52.
- ITEM-54: No Smoking Policy for Qualcomm Stadium. (District 6.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 8/8/2006, Item 53.
- ITEM-55: Joint Use Agreement with the San Diego Unified School District for Florence Griffith Joyner Elementary School. (Mid-City (City Heights) Community Area. District 3.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 8/8/2006, Item 55.
- ITEM-56: Amendments to Ethics Ordinance.  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 8/8/2006, Item 56.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-57: Five actions related to Multiple School Joint Use Agreement Renewals (Batch #4). (Encanto Neighborhoods (Southeastern), Clairemont Mesa, Serra Mesa, Tierrasanta, and Southeastern San Diego Community Areas. Districts 4, 6, and 7.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinances which were introduced on 8/8/2006, Item 54.
- ITEM-58: Ocean Beach Branch Library First Amendment and Restated Consultant Agreement. (Ocean Beach Community Area. District 2.)  
CITY COUNCIL'S RECOMMENDATION: Adopt the ordinance which was introduced on 7/25/2006, Item 52.
- ITEM-59: Amendments to the Regulations of Peep Show Establishments in San Diego Municipal Code Division 33.  
STAFF'S RECOMMENDATION: Introduce the ordinance.
- ITEM-100: Agricultural Lease Agreement – Brammer Farms – San Pasqual Valley. (San Pasqual Agricultural Preserve Community Area. District 5.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-101: Request for Additional Funding for Sewer Pump Station 27 Restoration and Contract Change Order No. 4 with Orion Construction. (La Jolla Community Area. District 1.)  
NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION: On 7/26/2006, NR&C voted 4 to 0 to approve.
- ITEM-102: Award of Contract for Bid 8146-06-T Furnishing Ferrous Chloride for Waste Water Treatment.  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-103: Fiscal Year 2007 Transportation Development Act and TransNet Bicycle and Pedestrian Projects.  
STAFF'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-104:           Transfer of Funds to de Portola Fields Comfort Station & Storage Facility.  
(Tierrasanta Community Area. District 7.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-105:           Accepting Federal Air Funding for the West Mission Bay Drive Bridge  
Over San Diego River Project (Bridge No. 57C-023). (Mission Bay Park,  
Midway-Pacific Highway Corridor, and Peninsula Community Areas.  
Districts 2 and 6.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-106:           **NOTE:** This item has been removed from the docket.
- ITEM-107:           Parcel Map W.O. No. 423415 PTS No. 50397 Including Building  
Restricted Easement Vacation. (Pacific Highland Ranch Community  
Area. District 1.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-108:           Water and Sewer Easement Vacation in Parcel 1 and 2 of Parcel Map  
18339. (Rancho Bernardo Community Area. District 5.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-109:           Drainage Easement Vacation in a Portion of Lot "A" of Princess Park in  
California Terraces Map 14730. (Otay Mesa Community Area.  
District 8.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-110:           Sewer Easement Vacation – Portion of Otay Valley Trunk Sewer.  
STAFF'S RECOMMENDATION: Adopt the resolution.

=== **LEGISLATIVE SCHEDULE (Continued)** ===

Adoption Agenda, Consent Items (Continued)

- ITEM-111: Vacation of a Portion of Front Street South of Fir Street. (Uptown Community Area. District 2.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-112: Establishment of Angle Parking on Kline Street. (La Jolla Community Area. District 1.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-113: Captain Paul Hartley, Jr. Day.  
COUNCILMEMBER FAULCONER'S RECOMMENDATION: Adopt the resolution.
- ITEM-114: Midnight Madness Day.  
COUNCILMEMBER ATKINS' RECOMMENDATION: Adopt the resolution.
- ITEM-115: The California Black Chamber of Commerce Days.  
COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION: Adopt the resolution.
- ITEM-116: Peggy Maloney Day.  
COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.
- ITEM-117: **NOTE:** This item has been removed from the docket.
- ITEM-118: Cindy Moore Day.  
COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.

**=== LEGISLATIVE SCHEDULE (Continued) ===**

Adoption Agenda, Consent Items (Continued)

- ITEM-119: Tom and Noelle Miller Day.  
COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.
- ITEM-120: Women's Equality Day.  
COUNCILMEMBER FRYE'S RECOMMENDATION: Adopt the resolution.
- ITEM-121: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico. (District 8.)  
TODAY'S ACTION IS: Adopt the resolution.
- ITEM-122: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.  
TODAY'S ACTION IS: Adopt the resolution.

Adoption Agenda, Discussion, Other Legislative Items

**NOTE:** The following items may be taken in the morning session if time permits.

- ITEM-330: Sale of City Owned Property at 13<sup>th</sup> and Broadway to the Redevelopment Agency. (Centre City Community Area. District 2.)  
STAFF'S RECOMMENDATION: Adopt the resolution.
- ITEM-331: Affordable Housing Fund FY 2007 Annual Plan. (Citywide.)  
SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION: Adopt the resolution.

**=== LEGISLATIVE SCHEDULE (Continued) ===**

Adoption Agenda, Discussion, Other Legislative Items (Continued)

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

- ITEM-332: Cooperative Agreement with the Redevelopment Agency for College Grove Redevelopment Project Park Improvements. (Eastern Area Mid-City Community Area. Districts 4 and 7.)  
STAFF'S RECOMMENDATION: Adopt the resolution.

Noticed Hearings, Discussion

- ITEM-333: 2201 Grand Tentative Map. (Pacific Beach Community Plan Area. District 2.)

Matter of the appeal by Nassir Ebrahimi of the decision by the Planning Commission to deny an application for Coastal Development Permit, and Tentative Map and a Waiver of Undergrounding to convert 40 existing residential apartment dwelling units to condominiums ownership located on a 0.76 acre site at 2201 Grand Avenue in the RM-2-5 Zone within the Pacific Beach Community Plan, Coastal Overlay Zone (non-applicable area), and within the Coastal Height Limit Overlay.

STAFF'S RECOMMENDATION: Take the actions in Subitem A to grant the appeal; Subitem B to grant the permit; and Subitem C to grant the map.

- ITEM-334: 3975 Mississippi Tentative Map. (Greater North Park Community Area. District 3.)

Matter of the appeal by Westone Management Consultants of the Planning Commission's decision to deny a Tentative Map to convert eight existing residential units to condominiums, including a request to waive the requirement to underground existing overhead utilities, on a 0.18 acre site. The property is located at 3975 Mississippi Street between University Avenue and Lincoln Avenue, in the MR-800B Zone of the Mid-City Communities Planned District and the Transit Overlay Zone, within the Greater North Park Community Plan Area.

STAFF'S RECOMMENDATION: Take the actions in Subitem A to grant the appeal and in Subitem B to grant the map.



=== **LEGISLATIVE SCHEDULE (Continued)** ===

Noticed Hearings, Discussion (Continued)

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-335: 4857 Narragansett Tentative Map. (Ocean Beach Community Plan Area. District 2.)

Matter of the appeal by D. Scott Peters of the Planning Commission's decision to deny an application for a Coastal Development Permit, Tentative Map, and Undergrounding Waiver, to convert eight existing residential units to condominiums with five parking spaces on a 6,992 square foot (0.16 acre) site at 4857-63 Narragansett Avenue in the RM-2-4 Zone within the Ocean Beach Precise Plan, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Ocean Beach Emerging Historic District, Airport Environs Overlay Zone, Airport Approach Overlay Zone, and Council District 2.

STAFF'S RECOMMENDATION: Take the actions in Subitem A to grant the appeal; in Subitem B to grant the permit; and in Subitem C to grant the map.

ITEM-336: 4560 North Avenue Tentative Map. (Uptown Community Plan Area. District 3.)

Matter of the appeal by Glenn C. Karp, Chandler Property Advisors of the Planning Commission's decision to deny a Tentative Map to convert 18 existing residential units to condominiums, including a request to waive the requirement to underground existing overhead utilities, on a 0.33-acre site located at 4560 North Avenue in the MR-1500 Zone of the Mid-City Communities Planned District and the Transit Overlay Zone, within the Uptown Community Plan area.

STAFF'S RECOMMENDATION: Take the actions in Subitem A to grant the appeals and in Subitem B to grant the map.

**=== LEGISLATIVE SCHEDULE (Continued) ===**

Noticed Hearings, Discussion (Continued)

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-337:                    301 University Avenue. (Uptown Community Plan Area. District 3.)

Matter of approving, conditionally approving, modifying or denying a Site Development Permit/Tentative Map/Easement Abandonment to develop a 0.81 acre site with a 12-story commercial mixed-use development consisting of a 10,304 square-feet of commercial space, 96 residential condominium units and a total of 322 off-street parking spaces located at 301 through 333 University Avenue.

STAFF'S RECOMMENDATION: Take the actions.

Adoption Agenda, Discussion, Other Legislative Items

**NOTE: This item may be taken in the morning session if time permits.**

ITEM-338:                    FY 2007 Agreement with Self-Managed Maintenance Assessment Districts. (Centre City Community Area. District 8.)

STAFF'S RECOMMENDATION: Adopt the resolution.

Non-Docket Items

Adjournment in Honor of Appropriate Parties

Adjournment

**=== EXPANDED CITY COUNCIL AGENDA ===**

**SPECIAL ORDERS OF BUSINESS**

ITEM-30: Approval of Council Minutes.

**TODAY'S ACTION IS:**

Approval of Council Minutes for the meetings of:

06/19/06

06/20/06

06/26/06

06/27/06

ITEM-31: Pam Hamilton Day.

**COUNCIL PRESIDENT PETERS' AND COUNCILMEMBER FAULCONER'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-150)

Congratulating and offering appreciation to Pamela Hamilton and proclaiming  
September 12, 2006 as "Pam Hamilton Day" in the City of San Diego.

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-32: North Park Lions Club Day.

(Continued from the meeting of August 8, 2006, Item 31, at the request of Councilmember Atkins.)

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-39)

Commending the staff, board members, volunteers, sponsors, and participants of North Park Lions Club for their outstanding service, leadership, commitment, and generosity to those in need;

Proclaiming August 8, 2006, to be "North Park Lions Club Day" in the City of San Diego.

ITEM-33: Teen Court Day.

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-237)

Proclaiming September 12, 2006, to be "Teen Court Day" in the City of San Diego in recognition of its outstanding service and contribution.

SPECIAL ORDERS OF BUSINESS (Continued)

ITEM-34: Ovarian Cancer Awareness Month.

**COUNCILMEMBER ATKINS' AND COUNCILMEMBER FRYE'S  
RECOMMENDATION:**

Adopt the following resolution:

(R-2007-249)

Proclaiming September 2006 to be "Ovarian Cancer Awareness Month" in the City of San Diego, and encouraging all San Diegans to participate in and support the efforts of the San Diego Division of the National Ovarian Cancer Coalition in their month-long public awareness campaign to increase our awareness and promote education about ovarian cancer and how to fight it through prevention, early detection and effective treatment options to save lives.

### **NON-AGENDA PUBLIC COMMENT**

This portion of the agenda provides an opportunity for members of the public to address the Council on items of interest within the jurisdiction of the Council. (Comments relating to items on today's docket are to be taken at the time the item is heard.)

Time allotted to each speaker is determined by the Chair, however, comments are limited to no more than three (3) minutes **total per subject** regardless of the number of those wishing to speak. Submit requests to speak to the City Clerk **prior** to the start of the meeting. Pursuant to the Brown Act, no discussion or action, other than a referral, shall be taken by Council on any issue brought forth under "Non-Agenda Public Comment."

### **MAYOR, COUNCIL, INDEPENDENT BUDGET ANALYST, CITY ATTORNEY COMMENT**

### **UPDATES ON PENDING LEGISLATION (MAYOR'S OFFICE)**

### **REQUEST FOR CONTINUANCE**

The Council will now consider requests to continue specific items.

### **ADOPTION AGENDA, CONSENT ITEMS**

The following listed items are considered to be routine, and the appropriate Environmental Impact Reports have been considered. These items are indicated on the docket by a preceding asterisk (\*). Because these items may be handled quickly, if you wish to be heard submit your Request to Speak form prior to or at 10:00 a.m.

### **ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING WITH THE READING AND ADOPTION:**

Items 50, 51, 52, 53, 54, 55, 56, 57, and 58.

### **ORDINANCES TO BE INTRODUCED:**

Item 59.

### **RESOLUTIONS TO BE ADOPTED:**

Items 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, and 122.

**ADOPTION AGENDA, CONSENT ITEMS**

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION:

\* ITEM-50: Amending Various Joint Use Agreements with San Diego Unified School  
District.

(Citywide.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/1/2006, Item 55. (Council  
voted 8-0):

(O-2006-74 Cor. Copy)

Amending the agreements between the City of San Diego and the San Diego  
Unified School District for the construction, operation, maintenance, and lease of  
various joint use areas in the City of San Diego.

**NOTE:** 6 votes required.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

\* ITEM-51: City of San Diego Lobbying Contracts for Sacramento, CA and Washington, D.C.

(See Report to the City Council No. 06-104. Citywide.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/7/2006, Item S400. (Council voted 6-2. Council President Pro Tem Young and Councilmember Frye voted nay):

(O-2007-20)

Amending an Ordinance entitled "An Ordinance Adopting the Annual Budget for the Fiscal Year 2006-2007 and Appropriating the Necessary Money to Operate the City of San Diego for Said Fiscal Year" to authorize and direct the City Auditor and Comptroller to appropriate and expend \$221,000 from the General Fund Unappropriated/Unallocated Reserve and transfer said amount to the Governmental Relations Department Fund No. 220 to fund Lobbying Contracts and to take related actions.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

\* ITEM-52: Carson Elementary Joint Use Improvements.

(Linda Vista Community Area. District 6.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/8/2006, Item 60, Subitem A.  
(Council voted 7-0. Councilmember Hueso not present):

(O-2007-14)

Authorizing the Mayor, or his representative, to execute, for and on behalf of the City, a twenty-five year lease and joint use agreement with the San Diego Unified School District for construction, operation, and maintenance of turfed fields and recreational facilities at Carson Elementary School, under terms and conditions set forth in the Agreement, contingent on the availability of \$634,622 in State grant funding and provided that the City Auditor and Comptroller first furnishes one or more certificates demonstrating that the funds necessary for expenditure are, or will be, on deposit in the City Treasury;

Declaring this activity is categorically exempt from the requirements of the California Environmental Quality Act under CEQA Guidelines Section 15301, maintenance of existing facilities, and Section 15304, minor alterations to land.

**NOTE:** 6 votes required.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

\* ITEM-53: Glass Bottle Ordinance for the Qualcomm Stadium Parking Lot.

(See Report to the City Council No. 06-106. District 6.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/8/2006, Item 52. (Council voted 7-0. Councilmember Hueso not present):

(O-2006-159 Cor. Copy)

Amending Chapter V, Article 9, Division 1, of the San Diego Municipal Code by amending Section 59.0502 to prohibit glass beverage containers in Qualcomm Stadium Parking Facility.

\* ITEM-54: No Smoking Policy for Qualcomm Stadium.

(See Report to the City Council No. 06-107. District 6.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/8/2006, Item 53. (Council voted 7-0. Councilmember Hueso not present):

(O-2007-22)

Amending Chapter V, Article 9, Division 2, of the San Diego Municipal Code by amending Section 59.0202, relating to the smoking and disposal of tobacco products at Qualcomm Stadium.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

- \* ITEM-55: Joint Use Agreement with the San Diego Unified School District for Florence Griffith Joyner Elementary School.

(Mid City (City Heights) Community Area. District 3.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/8/2006, Item 55. (Council voted 7-0. Councilmember Hueso not present):

(O-2007-21)

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, an agreement with San Diego Unified School District for the construction, operation, maintenance, and a twenty-five (25) year no fee lease of turfed fields and a paved parking area at Florence Griffith Joyner Elementary School, under the terms and conditions set forth in the Agreement.

**NOTE:** 6 votes required.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

\* ITEM-56: Amendments to Ethics Ordinance.

(See memorandum from Stacy Fulhorst dated 5/16/2006 and Revised Proposed Amendments to the Post Employment Lobbying Provisions of the Ethics Ordinance dated 5/31/2006.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 8/8/2006, Item 56. (Council voted 7-0. Councilmember Hueso not present):

(O-2007-3)

Amending Chapter 2, Article 7, Division 35 of the San Diego Municipal Code by amending Sections 27.3503 and 27.3550, all relating to the City of San Diego Ethics Ordinance.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

- \* ITEM-57: Five actions related to Multiple School Joint Use Agreement Renewals  
(Batch #4).

(Report to the City Council No. 06-110. Encanto Neighborhoods (Southeastern),  
Clairemont Mesa, Serra Mesa, Tierrasanta, and Southeastern San Diego  
Community Areas. Districts 4, 6, and 7.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinances which were introduced on 8/8/2006, Item 54. (Council  
voted 7-0. Councilmember Hueso not present):

Subitem-A: (O-2006-151 Cor. Copy)

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, an  
agreement with the San Diego Unified School District for the construction,  
operation, maintenance, and lease of joint use facilities at Alcott Elementary  
School, under the terms and conditions set forth in the agreement.

**NOTE:** 6 votes required.

Subitem-B: (O-2006-155 Cor. Copy)

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, an  
agreement with the San Diego Unified School District for the construction,  
operation, maintenance, and lease of joint use facilities at Cadman Elementary  
School, under the terms and conditions set forth in the agreement.

**NOTE:** 6 votes required.

Subitem-C: (O-2006-156 Cor. Copy)

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, an  
agreement with the San Diego Unified School District for the construction,  
operation, maintenance, and lease of joint use facilities at Juarez Elementary  
School, under the terms and conditions set forth in the agreement.

**NOTE:** 6 votes required.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

\* ITEM-57: (Continued)

Subitem-D: (O-2006-157 Cor. Copy)

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, an agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of joint use facilities at Serra High School, under the terms and conditions set forth in the agreement.

**NOTE:** 6 votes required.

Subitem-E: (O-2006-158 Cor. Copy)

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, an agreement with the San Diego Unified School District for the construction, operation, maintenance, and lease of joint use facilities at Valencia Park Elementary School, under the terms and conditions set forth in the agreement.

**NOTE:** 6 votes required.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

ORDINANCES INTRODUCED AT A PREVIOUS MEETING, READY FOR DISPENSING  
WITH THE READING AND ADOPTION: (Continued)

- \* ITEM-58: Ocean Beach Branch Library First Amendment and Restated Consultant Agreement.

(Ocean Beach Community Area. District 2.)

(Continued from the meeting of August 8, 2006, Item 51, at the request of City Council, due to noticing issues.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 7/25/2006, Item 52. (Council voted 8-0):

(O-2006-154)

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, the Amended and Restated Agreement with Hanna Gabriel Wells Architects for professional services required for the construction of the Ocean Beach Branch Library, in an amount not to exceed \$378,200, under the terms and conditions set forth in the Amended and Restated Agreement;

Authorizing the expenditure of an amount not to exceed \$303,200 from CIP-35-100.0, Ocean Beach Branch Library, Fund No. 18523, Dept. No. 18523, to provide funding for the Amended and Restated Agreement for Ocean Beach Branch Library;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring this activity is not subject to the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15060(c)(2), because this activity will not result in direct or reasonably foreseeable indirect physical change in the environment.

**NOTE:** 6 votes required pursuant to Charter Section 99.



**ADOPTION AGENDA, CONSENT ITEMS**

**ORDINANCES TO BE INTRODUCED:**

- \* ITEM-59: Amendments to the Regulations of Peep Show Establishments in San Diego Municipal Code Division 33.

(See Report to the City Council No. 06-121.)

**STAFF'S RECOMMENDATION:**

Introduce the following ordinance:

(O-2006-119)

Introduction of an Ordinance amending Chapter 3, Article 3, Division 33, of the San Diego Municipal Code, by amending Sections 33.3310, 33.3311, and repealing Section 33.3326, relating to Peep Show Establishments.

Staff: Lt. Lawrence McKinney - (619) 531-2897  
Mary T. Nuesca - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS

RESOLUTIONS:

\* ITEM-100: Agricultural Lease Agreement – Brammer Farms – San Pasqual Valley.

(See Report to the City Council No. 06-120. San Pasqual Agricultural Preserve Community Area. District 5.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-104)

Authorizing the Mayor to execute, for and on behalf of The City of San Diego, a 10-Year Lease Agreement with William Brammer, an individual doing business as "Brammer Farms," for organic farming located on approximately 136.4 acres in San Pasqual Valley, San Diego, California, under the terms and conditions set forth in that Lease Agreement.

Staff: Steve Geitz - (619) 236-6311  
Brock Ladewig - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-101: Request for Additional Funding for Sewer Pump Station 27 Restoration and Contract Change Order No. 4 with Orion Construction.

(La Jolla Community Area. District 1.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2007-37)

Authorizing the Mayor, or his designee, to execute, for and on behalf of the City, Change Order No. 4, dated June 13, 2006, issued in connection with the rehabilitation contract for Sewer Pump Station 27 by Orion Construction Corporation, amounting to a net increase in the contract price of \$576,614.23;

Authorizing the City Auditor and Comptroller to transfer the amount of \$650,000 within Sewer Fund No. 41506, from CIP-45-936.0, Sewer System Canyon Access, to CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration;

Authorizing the expenditure of an amount not to exceed \$859,918.76 from Sewer Fund No. 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restoration, to be expended as follows: \$576,614.23 for Change Order No. 4; and \$283,304.53 for City engineering and related costs;

Stating for the record that this activity is not subject to the California Environmental Quality Act pursuant to CEQA Guidelines Section 15378(c). Change Order No. 4 for Pump Station 27 is a subsequent discretionary approval addressed in the Environmental Impact Report LDR No. 41-0286 and therefore is not a separate project under CEQA Guidelines Sections 15060(c)(3) and 15378(c);

Stating for the record that the information contained in LDR No. 41-0286, including any comments received during the public review process, has been previously reviewed and considered by this Council and it is determined that this subsequent discretionary approval of the rehabilitation of Pump Station 27 does not involve change in circumstances, project changes, or new information of substantial importance which would warrant any additional environmental review pursuant to CEQA Guidelines Section 15162.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

**NATURAL RESOURCES AND CULTURE COMMITTEE'S RECOMMENDATION:**

On 7/26/2006, NR&C voted 4 to 0 to approve. (Councilmembers Faulconer, Atkins, Frye, and Hueso voted yea.)

**SUPPORTING INFORMATION:**

Sewer Pump Station 27 is an EPA mandated project and is located at 2211 Avenida de la Playa between El Paso Grande and Paseo Del Ocaso within the La Jolla Community Planning Area. The project consists of a complete mechanical and electrical rehabilitation, wet well rehabilitation of the existing pump station as well as construction of a new underground emergency storage tank and emergency generator.

Construction Change Order No. 4 includes extra costs for new fencing around the pump station site to blend this pump station into the existing park, landscape and irrigation system upgrades to meet new standards, pedestrian ramps to meet ADA standards, demolition of a concrete driveway and installation of drivable grass to serve as access for crews in case of emergency, and the costs associated with the construction delays due to scope changes to the project under Change Order No. 2. Those scope changes included significant electrical design revisions, new utility corridor, addition of a new odor control room, and control panel modification. The direct construction costs were paid for under CCO#2 (previously approved by Council on October 10, 2005), the additional costs for construction delays were subsequently negotiated and are included in this CCO#4. The Department is working with the City Attorney's Office to determine the feasibility of pursuing a claim for reimbursement from the project design consultant.

**FISCAL CONSIDERATIONS:**

The total estimated cost of this project is \$6,907,545.67 of which \$6,047,626.91 was previously authorized. This action is authorizing an additional expenditure of \$859,918.76 which is funded by Sewer Fund 41506, CIP-46-106.0, Annual Allocation- Sewer Pump Station Restoration for this purpose.

**PREVIOUS COUNCIL COMMITTEE ACTION:**

Council approved this project as well as previous change orders and scope of work on the following dates: R-300895 10/10/05 - \$1,320,641.33, R-296704 6/18/04 - \$1,211,298, R-298810 1/26/04 - \$92,630, R-295497 9/24/01 - \$2,375,642, R-289906 3/31/98 - \$237,408. The Committee on Natural Resources and Culture considered Construction Change Order No. 4 on June 28, 2006 and voted to approve it 4-0 following consent motion by Councilmember Atkins, seconded by Councilmember Faulconer.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-101: (Continued)

**SUPPORTING INFORMATION:** (Continued)

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The subject item was presented three (3) times to the La Jolla Community Planning Association; twice during design and once before construction started. It was also presented to the Coastal Area Committee and the Design Review Committee of the Park & Recreation Board for approval. During construction, staff gave multiple Project updates to the La Jolla Shores Association and attended meetings with residents and with the Friends of Laureate Park resident group.

**KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):**

The key stakeholder is the general contractor Orion Construction Corporation, who will receive payment for Construction Change Order No. 4. There are no projected financial impacts as no new fees or regulations are proposed as part of this action.

Boekamp/Haas

Aud. Cert. 2600943.

Staff: Dave Zoumaras - (619) 533-5100  
Marie Wright-Travis - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-102: Award of Contract for Bid 8146-06-T Furnishing Ferrous Chloride for Waste Water Treatment.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-132)

Authorizing the Chief Acquisition Officer to accept the low and responsible proposal meeting specifications of U.S. Peroxide, and authorizes the Chief Acquisition Officer to execute a contract for furnishing Ferrous Chloride based on Bid No. 8146-06-T, as may be required for a period of one (1) year beginning from date of award with options to renew the contract for four (4) additional one (1) year periods, for an estimated annual purchase cost of \$2,347,085.93, including sales tax, terms net thirty (30) days; with options to renew the contract for four (4) additional one (1) year periods; with price escalations not to exceed 25% of prices in effect at the end of each prior contract year;

Authorizing the estimated remaining expenditure of \$2,347,085.93 for Fiscal Year 2007, of which \$1,736,822.25 is from Fund 41508, Department 771, Point Loma Wastewater Treatment Plant, benefiting from application at the MWWD Pump Station No. 1; \$134,278.05 is from Fund 41508, Department 71, MWWD Metropolitan Biosolids Center, \$475,985.63 is from Fund 41508, Department 771, MWWD North City Water Reclamation Plant, benefiting from application at Pump Station Peñasquitos, solely and exclusively, for providing funds for said contract;

Declaring this activity is not a project subject to CEQA pursuant to CEQA Guidelines Section 15060(c)(3)D;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess budgeted funds, if any, to the appropriate reserves.

**STAFF SUPPORTING INFORMATION:**

Ferrous chloride is one of the most important chemicals used daily in the Metropolitan Wastewater System, applied at the Point Loma Wastewater Treatment Plant, Pump Station 1 (which pumps wastewater toward Pt. Loma), at the Peñasquitos Pump Station (which pumps wastewater toward the North City Water Reclamation Plant), and at the Metropolitan Biosolids Center (processing sludge).

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-102: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

This chemical is needed to reduce hydrogen sulfide for odor control. It also reduces the consumption of ferric chloride and more expensive chemicals, which also assist in the coagulation and separation of solids, most of which then end up in beneficially-used biosolids on land.

Specifically, this contract will furnish the City of San Diego with ferrous chloride with a concentration of 32% to 37% with a specific gravity of 1.35 to 1.40, to be delivered to the above facilities, for a total one-year estimated tonnage of 7,568 dry tons, with options to renew for four (4) additional one-year periods of similar tonnage. U.S. Peroxide was the lowest responsive and responsible bidder.

**FISCAL CONSIDERATIONS:**

FY 2007 estimated cost: \$2,347,085.93, funded by the FY 2007 budget in Fund 41508, Department 771 of the Metropolitan Wastewater Department/Operations and Maintenance Division, an enterprise funded by regional sewer ratepayers. There is no direct impact to revenues, although all MWWD operating expenses are paid by system wide customers.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

None for this contract.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Bids and Addendum A were solicited to 37 vendors in March 2006; bid closed on March 30. Letter of intent to award in April; no protests were received by Purchasing.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

Bid awarded to U.S. Peroxide, Inc. Over 2.2 million regional users of wastewater treatment have a stake in the system's safe and efficient treatment of wastewater, and full compliance to regulatory permits which enforce County, State and Federal air and water quality laws, and in the City's good-neighbor policy for odor control for areas near wastewater facilities.

Boles/Haas/Froman

Aud. Cert. 2700094.

Staff: Tammy Rimes - (619) 236-5921  
Michael P. Calabrese - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-103: Fiscal Year 2007 Transportation Development Act and TransNet Bicycle and Pedestrian Projects.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-229)

Authorizing the Mayor, or his representative, for and on behalf of the City, to take all necessary actions to apply for and secure \$1,200,000 in Transportation Development Act (TDA) funds and \$820,000 in TransNet Bikeway Funds from SANDAG for bicycle/pedestrian improvement projects;

Authorizing the City Auditor and Comptroller to establish a special interest-bearing account Fund 390070 for SANDAG Fiscal Year 2007, Claim 07011002, 07011003, and 07011004;

Authorizing the Mayor to add the following projects to the Fiscal Year 2007 Capital Improvements Program:

- a. CIP-58-196.0, University Avenue at Alabama Bicycle and Pedestrian Safety Improvements
- b. CIP-58-198.0 Kearny Villa Road Bike Lane Improvements
- c. CIP-58-200.0, Pedestrian Master Plan - Phase 3
- d. CIP-58-201.0, Traffic Safety and Education Program
- e. CIP-58-202.0, Safety in Traffic Education Program (STEP)
- f. CIP-58-199.0, Rancho Bernardo Bikeway

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2007 Capital Improvements Program Budget, Fund 390070, TDA by \$1,200,000 for the following projects:

- a. \$750,000 in CIP-58-196.0, University Avenue at Alabama Bicycle and Pedestrian Safety Improvements
- b. \$300,000 in CIP-58-198.0 Kearny Villa Road Bike Lane Improvements
- c. \$150,000 in CIP-58-200.0, Pedestrian Master Plan - Phase 3



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: (Continued)

Authorizing the City Auditor and Comptroller to increase the Fiscal Year 2007 Capital Improvements Program Budget, Fund 30301, TransNet Bikeway Funds by \$820,000 for the following projects:

- a. \$50,000 in CIP-58-201.0, Traffic Safety and Education Program
- b. \$20,000 in CIP-58-202.0, Safety in Traffic Education Program (STEP)
- c. \$250,000 in CIP-58-199.0, Rancho Bernardo Bikeway
- d. \$500,000 in CIP-58-089.0 Poway Road Bike Path

Authorizing the City Auditor and Comptroller to accept, appropriate, and expend \$1,200,000 from Fund 390070, TDA and \$820,000 from Fund 30301, TransNet Bicycle and Pedestrian Fund for the seven aforementioned bicycle/pedestrian improvement projects in the amounts specified, contingent upon receipt of a fully executed grant agreement and upon the City Auditor and Comptroller certifying that the funds are available and on deposit in the City Treasury;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring this activity is not “project” and is therefore exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

**STAFF SUPPORTING INFORMATION:**

Each year, the SANDAG Board of Directors allocates funds under the Transportation Development Act (TDA) and the TransNet local sales tax program to support non-motorized transportation projects in the San Diego region. For Fiscal Year 2007, approximately \$3.5 - \$4 million will be available for allocation.

The City of San Diego applied to SANDAG for funding for 23 bicycle/pedestrians improvement projects. The geographical locations of the submitted projects were throughout the City and in each Council district. The project list was evaluated and screened by SANDAG. The selection process resulted in allocations to seven projects, of which three projects were automatically funded due to prior year commitments funds are being requested for design studies, cost estimates, and bike lane striping/signing.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

The seven projects funded by SANDAG are:

CIP-58-196.0 - University Avenue at Alabama Bicycle and Pedestrian Safety  
Improvements-\$750,000

CIP-58-089.0 - Poway Road Bike Path - \$500,000

CIP-58-198.0 - Kearny Villa Road Bike Lane Improvements - \$300,000

CIP-58-199.0 - Rancho Bernardo Bikeway - \$250,000

CIP-58-200.0 - Pedestrian Master Plan - Phase 3 - \$150,000

CIP-58-201.0 - Traffic Safety and Education Program - \$50,000

CIP-58-202.0 - Safety in Traffic Education Program (STEP) - \$20,000

(See attachment A for the detailed description of these seven projects).

The 23 projects submitted originally are listed below.

Rose Creek Bike and Pedestrian Bridge - \$3,800,000

Kearny Villa Road Signal Modifications and Re-alignment - \$1,750,000 Edison Elementary  
School - \$459,244

Central Elementary School - \$464,000

Wilson Middle School - \$271,665

SR56 Community Connectors - \$271,400

4th Avenue and Quince Street Pedestrian Safety Improvements - \$260,000

Development of Planned Routes to School- \$220,000

Kearny Villa Road Bike Path Study - \$100,000

Ocean Beach Gateway and Bike Path - \$100,000

San Diego River Connector Study - \$75,000

Route to School Needs Assessment - \$55,000

India Street Improvement Study - \$50,000

University Avenue at Alabama Bicycle and Pedestrian Safety Improvements - \$750,000

Poway Road Bike Path - \$500,000

Kearny Villa Road Bike Lane Improvements - \$300,000

Rancho Bernardo Bikeway - \$250,000

Pedestrian Master Plan - Phase 3 - \$150,000

Traffic Safety and Education Program - \$50,000

Safety in Traffic Education Program (STEP) - \$20,000

Rose Creek Bike Path Study - \$50,000

Texas Street Improvements Study - \$50,000

Bayshore Bikeway-Western Salt Segment - \$20,000

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-103: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

FISCAL CONSIDERATIONS:

This action will fund seven bicycle-pedestrian projects using Regional TransNet Bicycle Funds and Transportation Development Act Funds for approximately \$2,020,000 from SANDAG.

PREVIOUS COUNCIL COMMITTEE ACTION:

Resolution Number R-301050, dated November 21, 2005, authorized \$179,000 of TDA funds, and \$674,000 of TransNet funds. Resolution Number R-296581, dated May 28, 2002, adopted the Bicycle Master Plan.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Two specialized programs, Safe Moves and Effective Cycling have conducted education programs in the City in recent years. Groups supporting this action are: San Diego Police Department, San Diego Unified School District, and Walk San Diego.

Boekamp/Haas

Staff: Larry Van Wey - (619) 533-3005  
Jeremy A. Jung - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: Transfer of Funds to de Portola Fields Comfort Station & Storage Facility.

(Tierrasanta Community Area. District 7.)

(Continued from the meeting of August 8, 2006, Item 103, at the request of Councilmember Madaffer, for further review.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-100)

Authorizing the City Auditor and Comptroller, to transfer the amount of \$75,000 within Fund No. 79005, Tierrasanta Facilities Benefit Assessment, from CIP-29-656.0, Vista Grande Elementary School - Joint Use Improvements, to CIP-49-615.0, de Portola Fields Comfort Station & Storage Facility;

Authorizing the expenditure of an amount not to exceed \$75,000 from Fund No. 79005, Tierrasanta Facilities Benefit Assessment, CIP-29-615.0, de Portola Fields-Comfort Station & Storage Facility, solely and exclusively, to provide additional funds for construction of the project;

Declaring this activity is categorically exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15303 as minor new construction or conversion of an existing small structure.

**STAFF SUPPORTING INFORMATION:**

De Portola Fields is within the Tierrasanta Community and is nearing completion of the construction of a comfort station with associated upgrades to the path of travel and fire access. This project is incurring additional costs on the site upgrades to meet the requirements of the Division of the State Architect and additional costs due to unforeseen soil conditions.

A transfer of funds from Vista Grande to de Portola would allow the completion of de Portola Fields - Comfort Station & Storage Facility site improvements. Both Vista Grande Joint Use Area and de Portola Joint Use Area serves the Tierrasanta population, and have been funded in part by the Tierrasanta Facilities Benefit Assessment.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-104: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

FISCAL CONSIDERATIONS:

Funding is available in CIP-29-656.0, Vista Grande Elementary School Joint Use Improvements, Fund 79005, Tierrasanta Facilities Benefit Assessment because the project has been completed.

ENVIRONMENTAL CONSIDERATIONS:

This activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15303 (New Construction, Conversion of Small Structures).

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

Council authorization of the de Portola Middle School Joint Use Agreement occurred on October 10, 2005 (Ordinance O-19418). Council authorization of the Application for and Expenditure of State Grant Funds under 2002 Resources Bond Act occurred on December 7, 2004 (Resolution R-299940).

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The de Portola Fields - Comfort Station & Storage Facility was presented by Councilmember Jim Madaffer, in two community groups in 2002. The consultants and City staff met with staff members of de Portola Middle School in early 2003. Subsequently, the project was noticed and presented to the Tierrasanta Recreation Council on April 10, 2003. Additional presentations to the Recreation Council occurred in June, July, and September of 2003. A presentation was given to the Facilities Access Review Committee on November 18, 2003. The Community Planning Group reviewed the plans in April 2005 and recommended approval.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Tierrasanta Recreation Council, Tierrasanta Little League, de Portola Middle School (San Diego Unified School District), Stevens Construction.

Penera/Martinez

Aud. Cert. 2700046.

Staff: April Penera - (619) 525-8223  
Thomas C. Zeleny - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-105: Accepting Federal Air Funding for the West Mission Bay Drive Bridge Over San Diego River Project (Bridge No. 57C-023).

(Mission Bay Park, Midway-Pacific Highway Corridor, and Peninsula Community Areas. Districts 2 and 6.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-228)

Authorizing the Mayor, or his designee, to accept Program Supplement No. 113 Rev. 1 to Local Agency-State Agreement for Federal Aid Project No. BHLS-5004(049), in the amount of \$2,200,000 into CIP-52-643.0, West Mission Bay Drive over San Diego River Bridge Replacement Project, Fund 38724;

Authorizing the City Auditor and Comptroller to increase the FY 2007 Capital Improvements Program budget in CIP-52-643.0, West Mission Bay Drive over San Diego River Bridge Replacement Project by \$2,200,000;

Authorizing the City Auditor and Comptroller to appropriate and expend \$2,200,000 from CIP-52-643.0, West Mission Bay Drive over San Diego River Bridge Replacement Project, Fund 38724, provided that the City Auditor and Comptroller first furnishes a certificate certifying that the funds are, or will be, on deposit with the City Treasurer;

Authorizing the City Auditor and Comptroller, upon advice from the administering department, to transfer excess funds, if any, to the appropriate reserves;

Declaring this activity is not a "project" per State CEQA Guidelines Section 15060(c)(2).

**STAFF SUPPORTING INFORMATION:**

The West Mission Bay Drive Bridge over San Diego River has been designated as a structurally deficient bridge by the State of California and eligible for Federal Highway Replacement and Rehabilitation (HBRR) funds. To address existing structural deficiency and high traffic volumes issues, the bridge was proposed in 1999 to be rehabilitated and widened from four to six lanes. The original agreement with T.Y. Lin International, to provide professional engineering design services, was approved by City Council on May 30, 2000.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-105: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

T.Y. Lin conducted a structural investigation and environmental constraints study to assess the feasibility of widening the existing bridge versus replacement. In 2001 it was determined that bridge replacement would be more cost effective than rehabilitation. The findings were based on construction cost, greater cost effectiveness with longer useful bridge life, lower life cycle costs, and better long term service for the public.

The future estimated average daily traffic volume is projected to be 70,000 by 2020. During the initial project investigation, SANDAG was in the process of evaluating new transit routes within the project site to help relieve traffic congestion. SANDAG proposed that the project consider the addition of transit lanes onto the project alignment. As a result, the first amendment to the agreement to provide professional engineering design services necessary for a study to incorporate Bus Rapid Transit (BRT) lanes was approved by City Council on September 3, 2002. This study found that the bridge geometrics were suitable to incorporate BRT lanes. The study proposed an eight lane bridge, of which two lanes are designated for bus transit. The inclusion of BRT lanes is consistent with SANDAG's 2030 Mobility Plan, the Regional Transportation Plan, and the future network link for the North Bay Bus Rapid Transit Project that will connect between the Old Town Transit Center and Pacific Beach.

In 2005, staff applied and received approval for \$2.2 million in HBRR grants for preliminary design and preparation of environmental documents. This Council action would accept Federal grant funding in a timely manner. Once the grant funding is secured, there will be future actions to enter into a cooperative agreement with SANDAG and to execute a consultant amendment to begin the design process.

**FISCAL CONSIDERATIONS:**

\$2,200,000 has been made available for the project through a participatory grant (Highway Bridge Replacement & Rehabilitation program).

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-105: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

PREVIOUS COUNCIL COMMITTEE ACTION:

Approved by Consent, Resolution #293189 dated May 30, 2000.

Approved by Consent, Resolution R-296990 dated September 3, 2002.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

No community contact has been conducted as of yet due to the early nature of the project (Preliminary Assessment). However, as the project progresses further into design and in the development of environmental documents, community involvement will be acquired.

KEY STAKEHOLDERS:

Sea World, SANDAG, CALTRANS and FHWA.

Boekamp/Haas

Staff: Kris Shackelford - (619) 533-3781

Jeremy A. Jung - Deputy City Attorney



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-106: **NOTE:** This item has been removed from the docket.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-107: Parcel Map W.O. No. 423415 PTS No. 50397 Including Building Restricted Easement Vacation.

(Pacific Highland Ranch Community Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-124)

Approving Parcel Map W. O. No. 423415/PTS No. 50397;

Declaring that Building Restricted Easement granted to the City of San Diego per Map No. 14064, filed in the Office of the County Recorder November 16, 2001 as shown on sheet 2 of this map, is not shown on the MAP as it is vacated pursuant to Section 66445(j) of the Subdivision Map Act and San Diego Municipal Code Section 125.1010(c)(3);

Declaring that this activity is covered under the Pacific Highlands Ranch Master EIR No. 96-7918 and the Pacific Highlands Ranch Units 5-11 MEIR Findings No. 41-0185. The activity is adequately addressed in the environmental document and there are no changes in circumstance, additional information, or project changes to warrant additional environmental review. Because the prior environmental document adequately covered this activity as part of the previously approved project, the activity is not a separate project for purposes of CEQA Guidelines Section 15060(c)(3).

**STAFF SUPPORTING INFORMATION:**

This lot-line adjustment parcel map is located northeasterly of Del Mar Heights Road and Carmel Valley Road in the Pacific Highlands Ranch Community Plan area in Council District 1. This parcel map requires City Council approval because there is a building restricted easement being vacated on the map. The easement was granted at no cost to the City on Map No. 14064. It was intended that the existing easement be vacated on the Amended Map of Black Mountain Ranch Unit No. 1 in order to accommodate the redesign of the subdivision. The amended map essentially changed a "motor court" development into custom home sites. This vacation will accomplish the original intention. A new building restricted easement is being granted on the parcel map to incorporate the new design.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-107: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Community Planning group has no objection to this action.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Steven E. Baldwin and Constance D. Baldwin

Halbert/Waring

Staff: G. Bollenbach - (619) 446-5417

David E. Miller - Deputy City Attorney

**NOTE:** This item is not subject to Mayor's veto.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-108: Water and Sewer Easement Vacation in Parcel 1 and 2 of Parcel Map 18339.

(Rancho Bernardo Community Area. District 5.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-14 Cor. Copy)

Vacating the water and sewer easement located within Parcel 1 and 2, Parcel Map 18339, as more particularly described in the legal description marked as Exhibit "A", and as shown on Drawing No. 20215-B, marked as Exhibit "B," to unencumber this property, under the procedure for the summary abandonment of easements, pursuant to California Streets and Highways Code Section 8333(c) and San Diego Municipal Code Section 125.1010(c);

Declaring that the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder;

Declaring this activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(2).

**STAFF SUPPORTING INFORMATION:**

This easement vacation is located in the Rancho Bernardo Community Plan area, located northeasterly of I-15 and Rancho Bernardo Road. This project consists of vacating a portion of an existing water and sewer easement that was granted to the City over five years ago at no cost to the City. This portion of easement has never been used for sewer purposes although there was a water main within the easement that has been abandoned in place. A new water easement of approximately equal value as shown on Engineering Drawing 19114-B was granted per Document No. 2004-1147581 on December 6, 2005 and the new water main was constructed within it. There are no other public facilities located within the easement. There is no present or prospective public use of the existing easement in its present location.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-108: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

There is no Community Planning Group opposition to this action.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

The Park Terrace Property Owners Association.

Halbert/Waring

Staff: G. Bollenbach - (619) 446-5417  
Peter A. Mesich - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-109: Drainage Easement Vacation in a Portion of Lot "A" of Princess Park in California Terraces Map 14730.

(Otay Mesa Community Area. District 8.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-120)

Vacating the portion of the drainage easement located within Lot "A" of Map 14730, as more particularly described in the legal description, marked as Exhibit "A", and as shown on Drawing No. 20330-B, marked as Exhibit "B", has been superseded by relocation, to unencumber this property and facilitate development of the site, under the procedure for the summary vacation of public service easements, pursuant to California Streets and Highways Code Section 8333(c) and San Diego Municipal Code Section 125.1010(c)(3);

Declaring that the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder.

**STAFF SUPPORTING INFORMATION:**

The drainage easement being vacated is shown on Engineering Drawing No. 20330-B. It is on private property and was acquired at no cost to the City in December 2003. This easement has never been used. The public facilities that were originally planned for this location have been relocated. The homeowner's association will maintain the easement area including any private facilities installed within it. The City has no present or anticipated future use for the easement in its present location.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-109: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

The Community Planning Group has no objection to this action.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Pardee Homes

Halbert/Waring

Staff: G. Bollenbach - (619) 446-5417

David E. Miller - Deputy City Attorney

**NOTE:** This item is not subject to Mayor's veto.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-110: Sewer Easement Vacation – Portion of Otay Valley Trunk Sewer.

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-119 Cor. Copy)

Vacating the portion of the sewer easement located in Parcel 7 of Parcel Map 19673, as more particularly described in the legal description, marked as Exhibit "A", and as shown on Engineering Drawing No. 20272-B, marked as Exhibit "B", has been superseded by relocation, to unencumber this property and facilitate development of the site, under the procedure for the summary vacation of public service easements, pursuant to California Streets and Highways Code Section 8333(c) and San Diego Municipal Code Section 125.1010(c)(3);

Declaring that the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder;

Declaring this activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(3).

**STAFF SUPPORTING INFORMATION:**

The sewer easement being vacated is shown on Engineering Drawing No. 20272-B. The easement was granted by separate instrument recorded on April 10, 1985 per Document No. 85-121725 in order to provide sewer service from the Otay Valley drainage basin.

The easement being vacated has been superseded by relocation as shown on Engineering Drawing No. 33326-D, for which a bond has been posted and a permit issued. An easement of approximately equal value as shown on Engineering Drawing No. 20270-B recorded December 16, 2004 per Document No. 2004-1184981 has been granted. There is no present or anticipated future use for the existing easement in its present location.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-110: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

FISCAL CONSIDERATIONS:

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

N/A

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

N/A

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Yacoel Crossings, LLC and Yacoel Investments, LLC as tenants in common.

Halbert/Waring

Staff: G. Bollenbach - (619) 446-5417

David E. Miller - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-111: Vacation of a Portion of Front Street South of Fir Street.

(Uptown Community Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-108 Cor. Copy)

Vacating a portion of Front Street as more particularly described in the legal description marked as Exhibit "A" and as shown on Engineering Drawing No. 19872-B, marked as Exhibit "B", to facilitate development of the site under the procedure for the summary vacation of a street or highway, California Streets and Highways Code Section 8331 and San Diego Municipal Code Section 125.0941;

Declaring the City Clerk shall cause a certified copy of this resolution, with attached exhibits, attested by her under seal, to be recorded in the Office of the County Recorder;

Stating this activity is exempt from CEQA pursuant to State CEQA Guidelines Section 15060(c)(2).

**STAFF SUPPORTING INFORMATION:**

The portion of Front Street to be vacated is a remnant portion of the street left by CalTrans after the construction of Interstate 5. That portion of the street to be vacated is being used as parking and will continue to be used as a parking area. A general utility and access easement will be reserved over a portion of the area to be vacated. The four required findings for the street vacation can be made. They are:

1. That there is no prospective use for the right-of-way, either for the facility for which it was originally acquired or for any other use of a like nature that can be anticipated. The street is a dead end and it is unlikely that a street would be built or widened at this location;
2. That the public will benefit from the action through improved utilization of land made possible by the street vacation. The land will revert to private ownership and will relieve the City of any liability;

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-111: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

3. That the vacation is not inconsistent with the General Plan and approved Community Plan or the Local Coastal Program. The portion of the street being vacated is not part of the Community Plan transportation element and the land would revert to a MCCPD-MR-1000 zone, which is consistent with the Community Plan land use designations. The Uptown Planners recommends approval of this street vacation; and
4. That the facility for which the right-of-way was originally acquired will not be detrimentally affected by the street vacation. This street has no use and will not be extended. There are no present or future plans to construct a street in this area and easements will be reserved for existing utilities.

**FISCAL CONSIDERATIONS:**

There are no fiscal impacts in connection with this action. All costs are being paid by the applicant.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

N/A

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

On December 6, 2005 The Uptown Community Planning Group (Uptown Planners) approved this project.

**KEY STAKEHOLDERS:**

R.L. McCarty and Monika Kahne (Park Lane, Ltd.)

Halbert/Waring

Staff: A. Aguilar - (619) 236-5316

Peter A. Mesich - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-112: Establishment of Angle Parking on Kline Street.

(La Jolla Community Area. District 1.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-146)

Authorizing the installation of nine angle parking spaces on the north side of Kline Street between Fay Avenue and Bishops Lane, pursuant to the authority conferred by and in accordance with the provisions of San Diego Municipal Code Section 86.03;

Authorizing the installation of the necessary signs and markings to be made on said street, and the regulations hereinabove imposed shall become effective upon the installation of such signs;

Declaring that this action is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines Section 15301 because this action is the minor alteration of an existing facility with a negligible expansion beyond the existing use.

**STAFF SUPPORTING INFORMATION:**

This action will authorize the installation of angle parking on the north side of Kline Street between Fay Avenue and Bishops Lane. Currently, four angle parking spaces and three parallel parking spaces exist on this portion on Kline Street. Parallel parking exists on the south side of this section of Kline Street. The installation of the additional angle parking on this section of Kline Street will provide two additional parking spaces for a total of nine angle parking spaces. Municipal Code Section 86.03 authorizes the City to establish angle parking by resolution.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-112: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**FISCAL CONSIDERATIONS:**

The fiscal impact is estimated to be \$650. Funds are not budgeted for this specific project. However, Street Division will reprioritize other maintenance needs in order to complete this project.

**PREVIOUS COUNCIL COMMITTEE ACTION:**

None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

A petition signed by 100% of the affected property owners was submitted in support of this action, and there is sufficient street width to safely accommodate angle parking on the north side and retain parallel parking on the south side. In addition, the La Jolla Community Planning Association, the La Jolla Traffic and Transportation Board and the Community Parking District are in support of this proposal.

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

N/A

Aud. Cert. 2700074.

Boekamp/Haas

Staff: Deborah Van Wanseele - (619) 533-3012  
Timothy J. Miller - Deputy City Attorney

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-113: Captain Paul Hartley, Jr. Day.

**COUNCILMEMBER FAULCONER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-151)

Congratulating and offering our appreciation to Captain Paul Hartley, Jr. and proclaiming August 3, 2006 as "Captain Paul Hartley, Jr. Day" in the City of San Diego.

\* ITEM-114: Midnight Madness Day.

**COUNCILMEMBER ATKINS' RECOMMENDATION:**

Adopt the following resolution:

(R-2007-129)

Recognizing the contributions of Midnight Madness and commending the organization's commitment to the youth of our City;

Proclaiming August 19, 2006, to be "Midnight Madness Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-115: The California Black Chamber of Commerce Days.

**COUNCIL PRESIDENT PRO TEM YOUNG'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-128)

Proclaiming August 16-18, 2006, as "The California Black Chamber of Commerce Days" in the City of San Diego.

\* ITEM-116: Peggy Maloney Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-136)

Commending Peggy Maloney for her dedicated service and tireless work for the people of Clairemont and all of San Diego;

Proclaiming July 29, 2006, to be "Peggy Maloney Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-117: **NOTE:** This item has been removed from the docket.

\* ITEM-118: Cindy Moore Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-101)

Commending Cindy Moore for the many hours of her community volunteer work that have benefited the residents of Serra Mesa and ultimately, the City of San Diego;

Proclaiming May 31, 2006, to be "Cindy Moore Day" in the City of San Diego.



ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

\* ITEM-119: Tom and Noelle Miller Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-226)

Commending Tom and Noelle Miller for the many hours of community volunteer work that they have given the community of Serra Mesa and the City of San Diego;

Proclaiming September 9, 2006, to be "Tom and Noelle Miller Day" in the City of San Diego.

\* ITEM-120: Women's Equality Day.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-225)

Proclaiming August 26, 2006, to be "Women's Equality Day" in the City of San Diego.

ADOPTION AGENDA, CONSENT ITEMS (Continued)

RESOLUTIONS: (Continued)

- \* ITEM-121: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District 8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2006-1033)

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

- \* ITEM-122: Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2007-70)

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

**NOTE:** This item may be taken in the morning session if time permits.

ITEM-330: Sale of City Owned Property at 13<sup>th</sup> and Broadway to the Redevelopment Agency.

(Centre City Community Area. District 2.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-123)

Finding that the City-owned parcel of land located at 1320 Broadway in San Diego, APN-534-205-08 (Property) is required for a public purpose;

Deeming the sale of the Property to the Development Agency of the City of San Diego to be fair and equitable and in the public interest;

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, a Real Estate Purchase and Sale Agreement;

Authorizing the Mayor to execute, for and on behalf of the City of San Diego, a grant deed conveying the Property to the Redevelopment Agency of the City of San Diego;

Authorizing the Mayor to make any non-material changes to the grant deed and the Real Estate Purchase and Sale Agreement, as necessary;

Authorizing the City Auditor and Comptroller to accept \$6,380,000 and deposit \$3,113,433.41 into Water Department Fund No. 41500, Revenue Account No. 78870 and \$3,266,566.59 into General Capital Outlay Fund 302453.

**STAFF SUPPORTING INFORMATION:**

On March 31, 1989, the City acquired the subject 19,000 square foot property located at 13th and Broadway for \$1,232,097.94 plus \$94,800 in related acquisition costs for a total of \$1,326,897.94. The purpose of the acquisition was to begin the assemblage of property to build Phase I of a proposed East Broadway Civic Center Project.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

## RESOLUTIONS: (Continued)

ITEM-330: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

The source of the funds was the City's Water Capital Outlay Fund at an interest rate of 8%. The City's Water Capital Outlay fund was utilized because at the time it was envisioned that the Water Utilities Department would be a major tenant of the contemplated Civic Center Project.

The site is located at 1320 Broadway between 13th Street and 14th Street on the north side of Broadway in downtown San Diego. It is rectangular with 19,000 square feet and is at street grade. The site is currently zoned Commercial Office District (CO) which permits government, business, and professional offices, hotels, and a variety of commercial services and residential development. Most of the site is paved with asphalt in poor condition. There is a 250 square-foot used car sales office at the rear center of the site. Behind the office is a 15-foot high metal panel fence that may have been used as a signboard. The entire property is surrounded with a chain link fence. When the Council approved the acquisition of the site on March 20, 1989, pursuant to Resolution Number R-273091, the resolution required the General fund to reimburse the Water Utilities Fund, the source of the acquisition funds, for the acquisition cost plus 8% simple interest. The Water Utilities Fund was to be reimbursed through the issuance of bond proceeds used to complete the land acquisition for the Civic Center project. No bonds were issued for this purpose as the project did not move forward. As such, the reimbursement pursuant to R-273091 remains outstanding. Due to the subject parcel's location, Real Estate Assets Department staff contacted CCDC to determine their interest in the site. Over the last several months CCDC has studied the feasibility of redeveloping the site into a mixed use project that would include a new fire station and an affordable housing component.

**FISCAL CONSIDERATIONS:**

On December 6, 2005, the Valuation Division of the City's Real Estate Assets Department approved an adjusted appraised value of \$6,380,000 after subtracting \$250,000 to cover the minimum cost of hazardous materials removal as documented by a Phase II report dated April 14, 2005. The appraised value was also adjusted by \$20,000 to cover costs related to demolition of structures and encroachments existing on the property. CCDC staff concurs with this conclusion of adjusted value and the CCDC Board has authorized CCDC staff to conclude the transaction with the City. All closing costs are being paid by CCDC.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-330: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

During the feasibility process CCDC acted as agent for the Redevelopment Agency (Agency), and the proposed sale would be to the Agency because only the Agency can hold property.

Simple Interest Calculation and Allocation of Purchase Price:

Using the 8% annual simple interest rate for the period of April 1, 1989 through January 31, 2006, yields total annual simple interest of \$1,786,475.25 (\$1,326,897.94 principal x 8% simple interest = \$106,151.84 x 16.83 years = \$1,786,535.47). See sale proceeds distribution below:

\$6,380,000 sale proceeds to City

\$3,113,433.41 to Water (\$1,326,897.94 principal and \$1,786,535.47 interest)

\$3,266,566.59 to General Fund

Due to the fact that the transaction closes after January 31, 2006, Water will receive an additional \$290.83 per day as additional interest which will reduce the amount to be deposited in the General Fund.

Barwick/Waring

Staff: Steve Geitz - (619) 236-6311.

Brock Ladewig – Deputy City Attorney

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

**NOTE:** This item may be taken in the morning session if time permits.

ITEM-331: Affordable Housing Fund FY 2007 Annual Plan.

(See San Diego Housing Commission Report CCR-06-003. Citywide.)

**SAN DIEGO HOUSING COMMISSION'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-121)

Approving the San Diego Affordable Housing Fund FY 2007 Annual Plan;

Declaring this activity is not a "Project" and is therefore not subject to the California Environmental Quality Act (CEQA) per CEQA Guidelines Section 15060(c)(2).

**SUPPORTING INFORMATION:**

In June 2003, the San Diego City Council revised Municipal Code Chapter 9, Article 8, Division 5 to create an Affordable Housing Fund (AHF). The AHF is a permanent and annually renewable source of revenue to meet part of the housing needs of the City's very low, low, and median income households. The AHF is composed of both the Inclusionary Housing Fund (IHF) and the San Diego Housing Trust Fund (HTF). Section 98.0507 of the Municipal Code requires that each year an AHF Annual Plan be prepared that describes the programs to be funded, the intended beneficiaries of the programs, and the anticipated revenues and allocation of those revenues, including the amount of funds budgeted for administrative expenses, exclusive of legal fees.

Change in where funds may be used

The AHF FY2007 Annual Plan proposes additional guidelines regarding the investment of Inclusionary Housing In-Lieu fees. These guidelines would allow funds for rental housing production to be invested in the Community Planning Area (CPA) of origin or within 3 miles of CPA origin (and within the same Council District). For projects that are farther than 3 miles from the CPA of origin or outside the Council District of origin, fund investment can be approved by the City Council, acting as the Housing Authority.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-331: (Continued)

**SUPPORTING INFORMATION:** (Continued)

These guidelines will also allow the Housing Commission to "sweep" funds from CPAs with less than \$100,000 available for investment to create a city-wide home purchase program and to fund the new Balanced Communities Program.

Changes in the Model Programs

The FY 2007 Model Programs have been updated to reflect current programs, practices, and funding source information. Proposed changes include the following:

- Add a new Land Banking Program (page A-4)
- Add a new Balanced Communities Program (page A-5)
- Revisions to the Homeownership and Rehabilitation Programs (pages A-6 through A-18)
- Add Permanent Supportive Housing operating support (page A-19)

FISCAL CONSIDERATIONS:

The AHF Annual Plan budget for FY 2007 is \$18,924,814 which is comprised of Housing Trust Fund and Inclusionary Housing Fund estimated revenues and is incorporated into the Housing Commission's approved FY 2007 Budget. The Housing Commission or City Council can redirect the distribution of funds among housing activities or modify specific model programs. However, any redistribution of funds would be subject to the AHF Ordinance requirements and limitations regarding the percentage of funds that can be allocated to benefit recipients with very low, low, and median incomes.

PREVIOUS COUNCIL and/or COMMITTEE ACTION:

This item was approved by the Housing Commission on May 26, 2006.

COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:

Housing Commission staff attended community group meetings in Linda Vista, San Ysidro, Southeastern San Diego, and the Community Planners Committee during March and early April to solicit and collect suggestions on the programs to be funded by the Affordable Housing Fund. All comments and suggestions were considered in the preparation of the AHF Annual Plan.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-331: (Continued)

**SUPPORTING INFORMATION:** (Continued)

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

The beneficiaries of the AHF programs are low to median-income households in the City of San Diego. Residential developers and financial institutions may also be impacted by program changes. Should all anticipated FY 2007 revenues be collected and allocated as proposed, the estimated affordable housing production impact would be: 1) 400 transitional housing beds and 175 permanent supportive housing units for very low-income, formerly homeless individuals and families; 2) 150 loans and grants to very low-income home owners for rehabilitation and preservation of single family homes and mobile homes; 3) 10 low-income homebuyers assisted; 4) 60 median-income condo conversion renters assisted in buying; 5) 50 rental units created for very low-income families; 6) 175 rental units created for low-income families; and 7) 45 units created to provide permanent or transitional housing for extremely low-income persons with special needs.

Fisher/Morris



ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-332: Cooperative Agreement with the Redevelopment Agency for College Grove Redevelopment Project Park Improvements.

(See Report to the City Council No. RA-06-40/RTC-06-119. Eastern Area Mid-City Community Area. Districts 4 and 7.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-234)

Approving a Cooperative Agreement with the Redevelopment Agency of the City of San Diego, for the financing of park improvement projects in the College Grove Redevelopment Project Area;

Declaring this activity is not a "project" and is therefore exempt from California Environmental Quality Act (CEQA) pursuant to the State CEQA Guidelines Section 15060(c)(3).

**STAFF SUPPORTING INFORMATION:**

The College Grove Redevelopment Project Five Year Implementation Plan calls for the Agency to fund and assist in the implementation of several public improvement projects needed by the community. These projects include improvements to the Chollas Lake Recreation Area, as defined in the Chollas Park Master Plan, as well as numerous public right-of-way improvements to College Avenue, College Grove Drive and connecting streets.

To date the primary activities of the College Grove Redevelopment Project have been the rehabilitation and upgrading of the College Grove Shopping Center. As a result of the Disposition and Development Agreement and Purchase Agreement executed by the Agency and shopping center owners in 1998, the Agency agreed to contribute future tax increment funds from the College Grove Project Area to assist with the cost of the shopping center overhaul project. These agreements established loans totaling \$1,308,000. Since 1998 the Agency has been using the majority of its discretionary tax increment revenue from the College Grove Project Area to payoff interest and principal on the loans.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

ITEM-332: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

It is projected that the loans will be repaid in full in less than one year and no more debt will remain for the College Grove Project Area. The Agency now has the ability to begin implementation of the public facilities described and recommended in the College Grove Redevelopment Implementation Plan.

A Cooperative Agreement between the Agency and City is proposed to provide for the Agency to fund of up to two million dollars of future College Grove Redevelopment tax increment funds to the City for the City to design and install improvements at the North Chollas Recreation Area. The Chollas Park Master Plan identifies a number of needed projects and the Chollas Lake Recreation Council has recommended that the City and Agency use College Grove Redevelopment funds to assist in the implementation of these projects. The proposed initial phase of projects would include new parking lots, lighting, utilities installation and a new comfort station and concession stand building in the North Chollas Recreation Area.

**FISCAL CONSIDERATIONS:**

The proposed action would create a funding obligation for the Redevelopment Agency, based on available unobligated tax increment funds from the College Grove Redevelopment Project. Future actions will be needed to transfer Agency funds to a specific Capital Improvement Project in the City budget and authorize their expenditure for the proposed park improvements.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

None.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Chollas Lake Recreation Council and Oak Park Community Council have both expressed support for the use of College Grove Redevelopment funds for the implementation of Chollas Lake Recreation Area capital improvements.

**KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):**

The Park and Recreation and Engineering and Capital Projects Departments would be responsible for implementing the park improvement projects.

Ostrye/Waring

Staff: Jim LoBue - (619) 533-5263

Carol A. Leone - Deputy City Attorney

**NOTE:** See the Redevelopment Agency Agenda of September 12, 2006 for a companion item.

ADOPTION AGENDA, DISCUSSION, HEARINGS

NOTICED HEARINGS:

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-333: 2201 Grand Tentative Map.

Matter of the appeal by Nassir Ebrahimi of the decision by the Planning Commission to deny an application for Coastal Development Permit, and Tentative Map and a Waiver of Undergrounding to convert 40 existing residential apartment dwelling units to condominiums ownership located on a 0.76 acre site at 2201 Grand Avenue in the RM-2-5 Zone within the Pacific Beach Community Plan, Coastal Overlay Zone (non-applicable area), and within the Coastal Height Limit Overlay.

(See Report No. PC-06-178/PTS No. 76049/Tentative Map and Waiver of Undergrounding No. 234237/Coastal Development Permit No. 237075. Pacific Beach Community Plan Area. District 2.)

**STAFF'S RECOMMENDATION:**

Take the following actions in Subitem A to grant the appeal; Subitem B to grant the permit; and Subitem C to grant the map:

Subitem-A: (R-2007- )

Granting or denying the appeal.

Subitem-B: (R-2007- )

Granting or denying Coastal Development Permit No. 237075, with appropriate findings to support Council actions.

Subitem-C: (R-2007- )

Granting or denying Tentative Map No. 234237, including the request to waive the requirement to underground existing overhead utilities.

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

**OTHER RECOMMENDATIONS:**

Planning Commission on June 15, 2006, voted 6-0 to deny; no opposition.

Nays: Schultz, Garcia, Chase, Ontai, Otsuji, Steele

Not present: Griswold

The Pacific Beach Community Planning Committee voted 10-4 to recommend approval of the proposed project on February 22, 2006.

**STAFF SUPPORTING INFORMATION:**

Granting the appeal would allow the applicant to process their Final Map and convert the existing apartment units to condominiums.

Basis for Appeal: The applicant's appeal form indicates the project is in compliance with applicable laws and should be approved.

Staff Response:

Staff concurs with the applicant's request. The Planning Commission's decision to deny the proposed Tentative Map and Coastal Development Permit was based on two Findings. Finding No. 1 of the Tentative Map states: "The proposed subdivision complies with the applicable zoning and development regulations of the Land Development Code (Land Development Code Section 125.0440.b)." Finding No. 1 of the Coastal Development Permit Resolution states that development is not to encroach upon the public right-of-way and impact existing public physical access ways in the Coastal Zone. The Commission has indicated that they would not approve condominium conversions with less than one parking space per unit. The property owner of the existing complex is requesting a change in the form of ownership from single ownership to multiple ownerships. The regulations in place for this project do not require additional parking to be provided for condominium conversions, and do not require at least one parking space per unit. The City Council, on June 13, 2006, approved a new set of condominium conversion regulations, which included parking provisions. The subject project does not include any physical changes in the environment or any intensification of use.

Please reference Report to the Planning Commission No. PC-06-178 for project details.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-333: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**FISCAL CONSIDERATIONS:**

All costs associated with the processing of this project are paid by the applicant.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

On June 15, 2006, the Planning Commission voted 6-0 to deny the project.

The Pacific Beach Community Planning Committee voted 10-4 to recommend approval of the proposed project on February 22, 2006.

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

The property owner is Grand Avenue Promenade Apartments, LLC; a California Limited Liability Corporation, Mr. Nassir Ebrahimi, Managing Officer. The consultant hired by the applicant to process this project is Mr. Franklin Spees of Condo Conversions.com. Other key stakeholders include the property tenants.

Halbert/Waring/RK

Staff: Robert Korch – (619) 446-5229

**NOTE:** This item is not subject to Mayor's veto.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-334: 3975 Mississippi Tentative Map.

Matter of the appeal by Westone Management Consultants of the Planning Commission's decision to deny a Tentative Map to convert eight existing residential units to condominiums, including a request to waive the requirement to underground existing overhead utilities, on a 0.18 acre site. The property is located at 3975 Mississippi Street between University Avenue and Lincoln Avenue, in the MR-800B Zone of the Mid-City Communities Planned District and the Transit Overlay Zone, within the Greater North Park Community Plan Area.

(Project No.67420. Greater North Park Community Area. District 3.)

**STAFF'S RECOMMENDATION:**

Take the following actions in Subitem A to grant the appeal and in Subitem B to grant the map:

Subitem-A: (R-2007- )

Granting or denying the appeal.

Subitem-B: (R-2007- )

Granting or denying the Tentative Map, including the request to waive the requirement to underground existing overhead utilities.

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

**OTHER RECOMMENDATIONS:**

Planning Commission on June 22, 2006, voted 4-2 to deny; no opposition.

Ayes: Chase, Ontai,

Nays: Garcia, Otsuji, Steele, Schultz

Not present: Griswold

The Greater North Park Planning Group has recommended approval of this project.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

**STAFF SUPPORTING INFORMATION:**

Granting the appeal would allow the applicant to process their Final Map and convert the existing apartment units to condominiums.

Basis for Appeal: The applicant's appeal form indicates the project is in compliance with applicable laws and should be approved.

Staff Response:

Staff concurs with the applicant's request. The Planning Commission's decision to deny the proposed Tentative Map was based on Finding No. 3, which states: "The decisionmaker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources." The Commission indicated they would not approve condominium conversions with less than one parking space per unit. Staff believes the intent of this required finding is to respond to leapfrog development and to provide necessary public facilities for additional housing in communities. In this instance, there is no net loss or gain of housing units. The property owner of the existing complex is requesting a change in the form of ownership from single ownership to multiple ownerships. The regulations in place for this project do not require additional parking to be provided for condominium conversions, and do not require at least one parking space per unit. The City Council, on June 13, 2006, approved a new set of condominium conversion regulations, which included parking provisions. However, this project is not subject to those regulations. The subject project does not include any physical changes in the environment or any intensification of use.

Please reference Report to the Planning Commission No. PC-06-184 for project details.

**FISCAL CONSIDERATIONS:**

All costs associated with the processing of this project are paid by the applicant.

**PREVIOUS COUNCIL/COMMITTEE ACTION:**

The City Council heard several appeals of Planning Commission denials based on the same issue on July 25, 2006, and unanimously granted those appeals and approved the projects.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Planning Commission heard the project on June 22, 2006. After a presentation by the applicant, and a discussion by the Planning Commission, the project was denied on a vote of 4-2.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-334: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

The Greater North Park Planning Committee voted 10-2-0 to recommend approval of the project on March 21, 2006, with conditions (see attached Planning Commission report). The applicant has provided the required notices to all tenants since the beginning of the Tentative Map processing of this project.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

The property owner is Larry Stutzman (sole owner), Pacific Investment Properties. The applicant's engineer is Anthony-Taylor Consultants. The consultant hired by the applicant to process this project is Westone Management Consultants. Other key stakeholders include the property tenants.

Halbert/Waring/DJ

Staff: Derrick Johnson – (619) 446-5238

**NOTE:** This item is not subject to Mayor's veto.



ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-335: 4857 Narragansett Tentative Map.

Matter of the appeal by D. Scott Peters of the Planning Commission's decision to deny an application for a Coastal Development Permit, Tentative Map, and Undergrounding Waiver, to convert eight existing residential units to condominiums with five parking spaces on a 6,992 square foot (0.16 acre) site at 4857-63 Narragansett Avenue in the RM-2-4 Zone within the Ocean Beach Precise Plan, Coastal Overlay Zone (non-appealable), Coastal Height Limit Overlay Zone, Parking Impact Overlay Zone, Ocean Beach Emerging Historic District, Airport Environs Overlay Zone, Airport Approach Overlay Zone, and Council District 2.

(See Report to the City Council No. 06-013. Ocean Beach Community Plan Area. District 2.)

**STAFF'S RECOMMENDATION:**

Take the following actions in Subitem A to grant the appeal; in Subitem B to grant the permit; and in Subitem C to grant the map:

Subitem-A: (R-2007- )

Granting or denying the appeal.

Subitem-B: (R-2007- )

Granting or denying Coastal Development Permit No. 219385, with appropriate findings to support Council actions.

Subitem-C: (R-2007- )

Granting or denying Tentative Map No. 216400, including the request to waive the requirement to underground existing overhead utilities.

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

**OTHER RECOMMENDATIONS:**

Planning Commission on June 22, 2006, voted 7-0 to deny; was opposition.

Nays: Schultz, Garcia, Otsuji, Chase, Ontai, Steele, Griswold.

The Ocean Beach Planning Board has recommended denial of this project.

**STAFF SUPPORTING INFORMATION:**

Granting the appeal would allow the applicant to process the Final Map and convert the existing apartment units to condominiums.

Basis for Appeal: The applicant's appeal form indicates the project is in compliance with applicable laws and should be approved.

Staff Response: Staff concurs with the applicant's request. The Planning Commission's decision to deny the proposed Tentative Map was based on Finding No. 2, which states: "The decision maker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources." The Commission indicated they would not approve condominium conversions with less than one parking space per unit. Staff believes the intent of this required finding is to respond to leapfrog development and to provide necessary public facilities for additional housing in communities. In this instance, there is no net loss or gain of housing units. The property owner of the existing complex is requesting a change in the form of ownership from single ownership to multiple ownerships. The regulations in place for this project do not require additional parking to be provided for condominium conversions, and do not require at least one parking space per unit. The City Council, on June 13, 2006, approved a new set of condominium conversion regulations, which included parking provisions. However, this project is not subject to those regulations. The subject project does not include any physical changes in the environment or any intensification of use.

Please reference Report to the Planning Commission No. PC-06-013 for project details.

**FISCAL CONSIDERATIONS:**

All costs associated with the processing of this project are paid by the applicant.

**PREVIOUS COUNCIL/COMMITTEE ACTION:**

None.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-335: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Planning Commission heard the project on June 22, 2006. After a presentation by the applicant, hearing of one public speaker opposed to the project (Jeffrey Mackay), and a discussion by the Planning Commission, Commissioner Griswold made a motion to deny the project, seconded by Commissioner Ontai. The vote was 7-0. The Ocean Beach Planning Board voted 8-0-0 to recommend denial of the proposed project on October 5, 2005 over concerns of parking.

**KEY STAKEHOLDERS AND PROJECTED IMPACTS:**

The property owner is Glenn L. Goldman, Trustee. The consultant hired by the applicant to process this project is Donald Scott Peters of Sterling Land Services Inc. Other key stakeholders include the property tenants.

Halbert/Waring/CW

Staff: Cory Wilkinson – (619) 557-7900

**NOTE:** This item is not subject to Mayor's veto.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-336: 4560 North Avenue Tentative Map.

Matter of the appeal by Glenn C. Karp, Chandler Property Advisors of the Planning Commission's decision to deny a Tentative Map to convert 18 existing residential units to condominiums, including a request to waive the requirement to underground existing overhead utilities, on a 0.33-acre site located at 4560 North Avenue in the MR-1500 Zone of the Mid-City Communities Planned District and the Transit Overlay Zone, within the Uptown Community Plan area.

(See Report to the City Council No. 06-023. Uptown Community Plan Area. District 3.)

**STAFF'S RECOMMENDATION:**

Take the following actions in Subitem A to grant the appeals and in Subitem B to grant the map:

Subitem-A: (R-2007- )

Granting or denying the appeal.

Subitem-B: (R-2007- )

Granting and denying a tentative map, including the request to waive the requirement to underground existing overhead utilities.

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

**OTHER RECOMMENDATIONS:**

Planning Commission on February 2, 2006, voted 5-0 to deny; no opposition.

Nays: Griswold, Steele, Garcia, Schultz, Otsuji

Not present: Chase, Ontai

The Uptown Planners has recommended denial of this project.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

**STAFF SUPPORTING INFORMATION:**

Granting the appeal would allow the applicant to process their Final Map and convert the existing apartment units to condominiums.

Basis for Appeal: The applicant's appeal form indicates the project is in compliance with applicable laws and should be approved.

Staff Response: Staff concurs with the applicant's request. The Planning Commission's decision to deny the proposed Tentative Map was based on Finding No. 2, which states: "The decisionmaker has considered the effects of the proposed subdivision on the housing needs of the region and that those needs are balanced against the needs for public services and the available fiscal and environmental resources." Staff believes the intent of this required finding is to respond to leapfrog development and to provide necessary public facilities for additional housing in communities. In this instance, there is no net loss or gain of housing units. The property owner of the existing complex is requesting a change in the form of ownership from single ownership to multiple ownerships. During the testimony, the Planning Commission discussed their dislike of developments with parking across the front setback, and their preference of having applicants provide affordable housing on-site, rather than paying the in-lieu fee. The regulations applicable to this project allow applicants to maintain previously-conforming development, as well as to follow the Inclusionary Housing Regulations, which permit the option of paying the in-lieu fee. The City Council, on June 13, 2006, approved a new set of condominium conversion regulations. However, this project is not subject to those regulations. The subject project does not include any physical changes in the environment or any intensification of use.

The appeal was filed by the applicant on February 14, 2006, but was delayed being scheduled for hearing before the City Council on the applicant's request.

Please reference Report to the Planning Commission No. PC-06-023 for project details.

**FISCAL CONSIDERATIONS:**

All costs associated with the processing of this project are paid by the applicant.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-336: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

Planning Commission Decision: The Planning Commission heard the project on February 2, 2006. After a presentation by the applicant, and a discussion by the Planning Commission, a motion to deny the project was made by Commissioner Griswold and seconded by Commissioner Steele. The vote was 5-0 (with Commissioners Griswold, Steele, Garcia, Schultz and Otsuji voting in opposition to the project. Commissioners Chase and Ontai were not present.).

The Uptown Planners voted 8-2-1 to recommend denial of the project on November 1, 2005, after reviewing the project on previous occasions. The minutes indicate the reason for denial was based upon concerns over the elevation and design, but recognized that the landscaping was improved. No opposition was present at the Planning Commission hearing.

**KEY STAKEHOLDERS & PROJECTED IMPACTS:**

The property owner is the Ginsburg Family Partnership, LP, which is composed of: One General Partner (ARG Management, Inc., a Michigan Corporation – Officers are: Kenneth A. Ginsburg and Bonnie Sowa); and six Limited Partners: The Arthur and Ruth M. Ginsburg Marital Trust; the Arthur and Ruth M. Ginsburg Exemption Trust; Kenneth A. Ginsburg, MD; Bonnie Sowa, MD; Katherine Ginsburg; and Kevin Ginsburg.

The applicant's engineer is Algert Engineering, Inc. The consultants hired by the applicant to process this project are Glenn Karp and Jeremy Cowan. Other key stakeholders include the property tenants.

Halbert/Waring/MS

Staff: Michelle Sokolowski – (619) 446-5278

**NOTE:** This item is not subject to Mayor's veto.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

**The following items will be considered in the afternoon session which is scheduled to begin at 2:00 p.m.**

ITEM-337: 301 University Avenue.

Matter of approving, conditionally approving, modifying or denying a Site Development Permit/Tentative Map/Easement Abandonment to develop a 0.81 acre site with a 12-story commercial mixed-use development consisting of a 10,304 square-feet of commercial space, 96 residential condominium units and a total of 322 off-street parking spaces located at 301 through 333 University Avenue.

(Project No. 11896/MDN Project No. 11896/Right-of-Way Vacation No. 323355/SDP No. 23948/TM No. 323359. Uptown Community Plan Area. District 3.)

(Continued from the meeting of July 18, 2006, Item 332, at the request of Councilmember Frye, for further review.)

**NOTE:** Hearing open. No public testimony taken on July 18, 2006.

**STAFF'S RECOMMENDATION:**

Take the following actions:

Subitem-A: (R-2006- )

Granting or denying Mitigated Negative Declaration No. 11896, has been completed in compliance with the California Environmental Quality Act and State CEQA Guidelines, and that said Mitigated Negative Declaration reflects the independent judgment of the City of San Diego as lead agency. Stating for the record that the final Mitigated Negative Declaration has been reviewed and considered prior to approving the project

Subitem-B: (R-2006- )

Granting or denying Public Right-of-Way Vacation No. 323355, with appropriate findings to support Council action.

Subitem-C: (R-2006- )

Granting or denying Tentative Map No. 323359, with appropriate findings to support Council action.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

Subitem-D: (R-2006- )

Granting or denying approving Site Development Permit No. 23948, with appropriate findings to support Council action.

Directing the City Attorney to prepare the appropriate resolutions according to Section 40 of the City Charter.

**OTHER RECOMMENDATIONS:**

Planning Commission on April 13, 2006, voted 6-0 to approve; no opposition.

Ayes: Shultz, Garcia, Chase, Griswold, Ontai and Otsuji.

Not present: Steele

On September 6, 2005, the Uptown Community Planners voted 6-4-0, adopting a motion that the proposed development does not conform to the Uptown Community Plan. The Community Planning Group recommendation to deny the proposed development

**STAFF SUPPORTING INFORMATION:**

The project proposes a 12 story mixed-use development consisting of ground floor commercial space, 96 residential units and a 121 space public parking garage. The site is located on University Avenue between Third Avenue and Fourth Avenue (Attachment 1) in the Hillcrest neighborhood of the Uptown Community Plan area. A portion of an existing alley would be vacated and closed to vehicular use as a part of the project. The partial alley vacation elevates the project's decision process to the City Council (Process 5). Two existing commercial structures would be demolished in order to clear the site for the proposed development.

The significant project issue is community character. Opposition to the development at the Planning Commission hearing was focused largely on the issue that the project does not fit within the existing scale of the neighborhood which is characterized by low and mid-rise structures. The proposed building would be 148 feet high and significantly taller than any building in the immediate vicinity. However, the Uptown Community Plan anticipated high intensity development in this location and the underlying Mid-City Planned District zones permit both the proposed height and density. Therefore, no Community Plan Amendment or Rezoning action is required for the project.



ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

The Uptown Community Plan designates the 0.80-acre site for Commercial Mixed-Use development with a high-intensity residential component (Attachment 2). The project site features split zoning which includes both the CN-1A Zone and the MR-800B Zone of the Mid-City Communities Planned District Ordinance. The CN-1A Zone makes up the majority of the project site and permits building height up to 200 feet. The twelve story structure would be taller than other surrounding structures in the immediate area because it is the first high intensity mixed-use development implementing the goals and land use recommendations of the Uptown Community Plan. The bulk and scale of the project is consistent with several new developments within the Uptown community on Fourth Avenue, Fifth Avenue and Sixth Avenue to the south and the medical complexes of Scripps Mercy and UCSD to the north.

The Uptown Community Plan encourages, and the underlying Mid-City Communities Planned District Ordinance CN-1A and MR-800B Zones permits high density residential development in the proposed location. The CN-1A Zone allows one unit per 400 square-feet of lot area and the MR-800B Zone allows one unit per 600 square-feet of lot area.

The project minimizes the impacts of the building height with architectural design features. Ground floor and street level interest is provided by the building façade and enhanced exterior finish materials, while pedestrian activity would be enhanced by wide landscaped walks adjacent to recognizable individual storefronts. The project's street wall is designed with the intent to minimize the scale of the building by providing individual storefront designs, utilizing ceramic tile and strong colors, awnings, canopies and varying setbacks to create a pedestrian friendly environment. Vacating a portion of the existing alley will alleviate conflicts between pedestrians and vehicles, and reduce traffic congestion by eliminating mid-block access to University Avenue. Staff believes the applicable findings to approve the project can be affirmed and recommends the City Council approve the project.

**FISCAL CONSIDERATIONS:**

There are no fiscal considerations with this action. All of the costs associated with processing this application are paid for by the applicant.

ADOPTION AGENDA, DISCUSSION, HEARINGS (Continued)

NOTICED HEARINGS: (Continued)

ITEM-337: (Continued)

**STAFF SUPPORTING INFORMATION:** (Continued)

**PLANNING COMMISSION RECOMMENDATION:**

On April 13, 2006, the Planning Commission recommended the City Council approve the Planned Development Permit, Tentative Map and Street vacation action. However, the Commission did not make a recommendation regarding certification of the environmental document due to an issue raised by the City Attorney. An opinion from the Attorney's Office regarding the adequacy of the environmental document will be provided to the council under separate cover.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

The Uptown Community Planning Group voted 6-4-0 to recommend denial of the project adopting a motion that the proposed development does not conform to the Uptown Community Plan. Reasons cited included the overall size and density of the development.

**KEY STAKEHOLDERS:**

La Jolla Pacific Development

Halbert/Waring/PH

**LEGAL DESCRIPTION:**

The project is located at 3845 Third Avenue, 301 University Avenue and 333 University Avenue within the Uptown Community Plan area and is more particularly described as lots 1, 2, 3, 4, 5, 6, 30, 31, and 32 in Block 2 of Nutt's Addition map No. 628.

Staff: Patrick Hooper – (619) 557-7992

**NOTE:** This item is not subject to Mayor's veto.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS

RESOLUTIONS:

**NOTE:** This item may be taken in the morning session if time permits.

ITEM-338: FY 2007 Agreement with Self-Managed Maintenance Assessment Districts.

(Centre City Community Area. ,District 8.)

(Continued from the meeting of August 8, 2006, Item S500, at the request of Councilmember Hueso, for staff to address and resolve contract disputes and administrative irregularities.)

**STAFF'S RECOMMENDATION:**

Adopt the following resolution:

(R-2007-259)

Authorizing the Mayor to execute a Maintenance Agreement with the Central Commercial District Revitalization Corporation for administration of Contracts for Goods and Contracts for Services for the Central Commercial Maintenance Assessment District for a one year period beginning July 1, 2006 through June 30, 2007, in accordance with the San Diego Municipal Code Section 65.0212. A copy of the Maintenance Agreement for the Central Commercial Maintenance Assessment District is on file in the Office of the City Clerk;

Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$32,780 from Fund No. 70260, for administrative costs incurred by the Central Commercial District Revitalization Corporation in the course of providing services under the Maintenance Agreement for the Central Commercial Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;

Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$8,741 from Fund No. 70260 to Fund No. 70267, for administrative costs incurred by the City in the course of providing administrative services to the Central Commercial Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available.

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

## RESOLUTIONS: (Continued)

## ITEM-338: (Continued)

~~(R-2007-122)-Tb(CACTION Tb)~~

~~Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$32,780 from Fund No. 70260, for administrative costs incurred by the Central Commercial District Revitalization Corporation in the course of providing services under the Maintenance Agreement for the Central Commercial Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;~~

~~Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$8,741 from Fund No. 70260 to Fund No. 70267, for administrative costs incurred by the City in the course of providing administrative services to the Central Commercial Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;~~

**STAFF SUPPORTING INFORMATION:**

The San Diego Municipal Code allows non-profit corporations to administer MADs when an assessment weighted majority of district property owners support the selection of a particular non-profit corporation for their district. The San Diego Municipal Code Section 65.0212 paragraph (b)(2), authorizes the City Council to approve a one year Agreement with non-profit corporations to administer the Contracts for Goods and Contracts for Services in Maintenance Assessment Districts ("MADs"). This action will authorize the Mayor to execute [an](#) Agreement between the City and the Association for a period of one year beginning on July 1, 2006 and ending on June 30, 2007. The Agreement provides [the](#) following:

1. The Association will administer Contracts for Goods and Contracts for Services and prepare financial statements for their respective Districts as provided for in the Maintenance Assessment District Ordinance, Landscape and Lighting Act of 1972, and as set forth in the Assessment Engineer's Report for the Central Commercial Maintenance Assessment District.
2. The Association will perform all duties as set forth in [the](#) Agreement under Article I, Section B, referred to as Specific Requirements.
3. The Association will be compensated for administration in an amount not to exceed 15% of the total approved assessments for FY07. Projected total annual

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

assessments for the following Maintenance Assessment District in FY07 are  
\$[218,536](#).

This action will also authorize the transfer of \$[8,741](#) to fund 70267 to fund City administration (by the Economic Development Division of the City Planning and Community Investment Department) of the Central Commercial MAD for Fiscal Year 2007. Additionally, this action authorizes the expenditure of funds, in an amount not to exceed \$195,495 in Fiscal Year 2007, from Fund 70267 for the administration [of self managed districts](#).

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

## RESOLUTIONS: (Continued)

## ITEM-338: (Continued)

~~(R-2007-122)-Tb(CACTION Tb)~~

~~Authorizing the City Auditor and Comptroller to appropriate and expend an amount not to exceed \$32,780 from Fund No. 70260, for administrative costs incurred by the Central Commercial District Revitalization Corporation in the course of providing services under the Maintenance Agreement for the Central Commercial Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;~~

~~Authorizing the City Auditor and Comptroller to transfer an amount not to exceed \$8,741 from Fund No. 70260 to Fund No. 70267, for administrative costs incurred by the City in the course of providing administrative services to the Central Commercial Maintenance Assessment District, provided that the City Auditor and Comptroller first furnishes one or more certificates certifying that the funds are available;~~

**STAFF SUPPORTING INFORMATION:** (Continued)

City administrative fees in self-managed maintenance assessment districts range from a minimum of \$3,500 to a maximum of 4% of total assessments and will be used to fund engineering, auditing, payment processing, budgeting and other services related to the administration of each district.

<u>Fee</u>	<u>District</u>	<u>Assessment Amount</u>	<u>Non-Profit Administration Fee</u>	<u>-City Administration</u>
	Central Commercial MAD	\$ 218,536	\$ 32,780	\$ 8,741
	<b>Total</b>	<b><u>\$ 218,536</u></b>	<b><u>\$ 32,780</u></b>	<b><u>\$ 8,741</u></b>

**FISCAL CONSIDERATIONS:**

Under the terms of the agreement, the City will be reimbursed \$8,741 for administrative services.

**PREVIOUS COUNCIL and/or COMMITTEE ACTION:**

This is an annual process, the previous Council action was taken in August of 2005 to approve the MAD agreements with the respective non-profit business associations.

**COMMUNITY PARTICIPATION AND PUBLIC OUTREACH EFFORTS:**

ADOPTION AGENDA, DISCUSSION, OTHER LEGISLATIVE ITEMS (Continued)

RESOLUTIONS: (Continued)

Each district holds regular meetings and publishes regular newsletters which are distributed to the property owners in the respective MAD.

KEY STAKEHOLDERS & PROJECTED IMPACTS (if applicable):

Key stakeholders are the business community and the property owners within the self managed districts.

Anderson/Waring

Aud. Cert. 2700070.

Staff: Luis E. Ojeda - (619) 533-4246  
Alex W. Sachs - Deputy City Attorney

NON-DOCKET ITEMS

ADJOURNMENT IN HONOR OF APPROPRIATE PARTIES

ADJOURNMENT